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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,369	06/23/2003	Wen-Ya Yeh	AP4393 (15739-205)	7473
23595	7590	04/22/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			DEXTER, CLARK F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/601,369	YEH, WEN-YA	
	Examiner	Art Unit	
	Clark F. Dexter	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 11-16 is/are allowed.
- 6) ☒ Claim(s) 7-10 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on September 23, 2004 has been entered.

Drawings

2. The new drawing showing added Figure 8 was received on September 23, 2004.
This drawing is acceptable.

Claim Rejections - 35 USC § 102/103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9, 17 and 19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over German Publication 38 30 934 (hereafter GP '934).

GP '934 discloses a pair of scissors, particularly in Figures 1 and 7, with every structural limitation of the claimed invention including a pivot axis (e.g., as shown in

Figure 1, into the page at element 8), and first and second sides that extend perpendicular to the pivot axis (e.g., as shown in Figure 1, the right and left sides of components 5 and 6, as viewed in the plane of the page).

In the alternative, if it is argued that GP '934 does not disclose a second pair of scissors, the Examiner takes Official notice that it is old and well known in the art to provide plural scissors for various known reasons including for replacement when the first pair becomes dull or otherwise damaged. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second pair of scissors for the well known benefits including those described above. It is noted that the manner in which the scissors are placed, used, positioned, etc. with respect to each other is considered a functional recitation of intended use, and it is well settled that such a recitation cannot be relied upon to patentably distinguish a claimed invention over the prior art.

Claim Rejections - 35 USC § 103

6. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Publication 38 30 934 (hereafter GP'934).

GP '934 lacks a frame ring. However, "frame ring", as claimed, reads on a threaded insert. The Examiner takes Official notice that threaded inserts are old and well known in the art and provide various known benefits including a way to repair components with damaged threads by machining the previously threaded hole and inserting an insert to replace the damaged threads. Therefore, it would have been obvious to one having ordinary skill in the art to provide a threaded insert on the pair of

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scissors of GP '934 (e.g., in the threaded holes shown in Figure 2) for the well known benefits including those described above.

7. Claims 7, 8, 17 and 18, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh, pn 6,192,590 in view of Prindle, pn 4,317,284.

Yeh discloses a pair of scissors wherein each handle includes a through-hole, but lacks magnetic member being mounted in the through-hole. However, the Examiner takes Official notice that it is old and well known in the art to use magnets to hold implements together. As one example, Prindle discloses hand cutlery and teaches providing a through hole with a magnetic member mounted therein to hold the implements together. Therefore, it would have been obvious to one having ordinary skill in the art, when considering other structural configurations to hold the scissors of Yeh together, to install magnets in the through-holes to gain the well known benefits including those taught by Prindle.

Allowable Subject Matter

8. Claims 1-6 and 11-16 are allowable over the prior art of record.

Response to Arguments

9. Applicant's arguments filed September 23, 2004 have been fully considered but they are not persuasive.

In the sixth paragraph on page 7 of the amendment, applicant argues that the scissors of GP '934 function in a way different from the scissors of the present

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application. The Examiner does not disagree. However, it is respectfully submitted that the Examiner's position is not that the prior art is disclosed as being used in the same manner as the present invention. Rather, the Examiner's position is that the prior art discloses or suggests all of the structure of the claimed invention. Applicant further states that the claims have been amended to distinguish over GP '934. The Examiner respectfully disagrees as explained in further detail in the prior art rejection above.

Next, applicant argues that the prior art rejection over U. S. Patent No. 6,192,590 to Yeh fails to disclose or suggest connection between two or more pairs of hairdressing scissors that are connected by magnetic pieces in the handles when not in use. However, the Examiner respectfully submits that Yeh does disclose connection between two or more pairs of hairdressing scissors that are connected by connecting structure in the handles when not in use. Yeh simply lacks the connecting structure being magnets. The Examiner's position is simply that magnets are widely known for holding items together, particularly when the items are being stored. Prindle is merely being provided as one example of such a usage of magnets. Thus, it is respectfully submitted that the prior art rejection must be maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can be reached Monday, Tuesday, Thursday and Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
April 18, 2005